

A special Town Assembly of the Village of Arden was held on August 4, 1977 with Chairman, Thomas E. Colgan, presiding. The meeting was held in the lower Gild Hall and was called by petition of twenty-six residents of Arden for the following purpose:

To consider authorizing the Village of Arden to request a \$95,000. federal appropriation under the Public Works Act to build a storm drain on Walnut Lane, beginning at Inn Lane, proceeding across Millers Road, down Lower Lane, across Harvey Road, down Meadow Lane to the creek, and including the rebuilding of Meadow Lane.

We had very short notice of the availability of this money. Mr. Roger Klaus called and said that we had to plan an acceptable project costing at least \$75,000. Two projects were suggested. The installation of the drainage which the Civic Committee felt was necessary, because the drainage pipes across Donovans and Johnson property are very old and will need replacing soon. The other project was the removal of some of the boulders in the Naamans Creek and rebuilding of the banks where erosion is bad. This project could <sup>not</sup> be covered by the Public Works Act.

Those attending the meeting were:

Deborah Colgan	Mimi Little	Kathleen Worth
Alan Chase	Carl Von Dreele	Rae Gerstine
Beverly Barnett	Alton Dahl	Thomas E. Colgan
Aaron Hamburger	John Grimaldi	Mary Morley
Ellen Laskey	Houston Roberts	Dora Johnson
Miriam Donovan	Ethel Monfort	Bea Jaffe
Joad Kazan	Thomas Stapleford	Carolyn Liberman
H. R. Monfort	Reese Davis	Frank Herzog
Joan W. Colgan	C. Liberman	R. Estes
Agnes Harris	Barbara S. Fenske	Mary Burslem
Frank Akutowicz	Sarah Hamburger	Terry C. Hufford
Virginia Gotides	Elvie Grimaldi	Joseph Naff
Andrew Foote	Nancy Hajar	Beatrice Phillips
Marjorie van Gulick	Penny Payne	Tim Snyder
Michael Curtis	B. Brachman	

Mr. Colgan contacted Reese Davis and it was arranged that Joad Kazan take Mr. Alan L. Chase of Karin and Associates, Inc. around to look at the projects and make preliminary estimates. The creek project cannot be covered under Public Works Fund and he suggested that we look into CETA funding.

The figures presented to the Civic Committee on January 27 was \$70,000 for the drainage work and \$25,000 for Meadow Lane. This would include all all engineering fees, etc. Mr. Roger Klaus, Administrative Assistant of New Castle County approved our application and if the Town Assembly approves, then all the details will have to be filled and given to the Federal Government by August 14. Mr. Chase will do all this work, but will consult with us if necessary.

Some of the residents were concerned about the extra water flowing into the creek and presenting a problem in Ardencroft during flood conditions. Mr. Chase says that the engineers have to make an environmental assessment of the impact as part of the report to the government.

There is a cushion in the proposal to take care of over run of costs.

Frank Akutowicz feels that porous pavement is the answer to run off



and it would slow down flow of water into Perkins Run.

Statements from William Bailey and Elizabeth Varley were read. William Bailey opposed to any storm sewer work on Walnut, Lower Lane, Meadow Lane and he sees no need for it. He says the present system and the ground does a very good job and he does not want to increase flooding in the creek.

Elizabeth Varley not in favor of installing the storm sewer down Walnut, Lower and Meadow Lanes. She does not see any problem on Walnut Lane where she lives, and is concerned with excess water causing flooding downstream.

There is a possibility that the Pond in the Cemeter could be used as a retention basin if it is properly sluiced

The following resolution was presented for action by the Town Assembly:

A resolution authorizing the village of Arden to request a federal grant in the amount of up to ninety-five thousand dollars under the local Public Works Capital Development and Investment Program in order to construct certain improvements on portions of Walnut Lane and on Lower Lane and Meadow Lane; and authorizing the town to enter into a contingency contract with Karins and Associates, Inc., Consulting Engineers, to provide consulting engineering services relative to the proposed project, if the application for such grant be approved.

Whereas, the Village of Arden, Delaware, desires to submit an application for Federal grant funding of the project as described in the title of this Resolution; and

Whereas, the Town desires that Karins and Associates, Inc. of Wilmington, Delaware be retained on a contingency basis to prepare engineering plans and specifications for this project, if such Application be approved; and

Whereas, such Application requires certain actions and assurances on the part of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Assembly of the Village of Arden Delaware, as follows:

1. That the Chairman of the Town Assembly is hereby authorized to sign and submit an Application for Federal funding, as described above; and to provide such additional information as may be required, pertinent thereto;
2. That the Chairman of the Town Assembly is hereby authorized to execute a contingency contract with Karins and Associates, Inc, Wilmington, Delaware, to provide consulting engineering services to the Town in order to prepare the plans and specifications for the project, should the Application be approved, the fee for such services not to exceed eight (8) per cent of the total contract value, as per awarded contract, but in no event to exceed the amount of six thousand four hundred dollars (\$6,4000), it being understood that the funds for such engineering services will be included in the Federal grant amount awarded, if the Application be approved.
3. Assurance. The Applicant hereby assures and certifies that it shall comply with the regulations, policies, guidelines and requirements, including Office of Management and Budget Circular No. A-95, and Federal Management Circulars 74-4 and 74-7, as they relate to the



application, acceptance and use of Federal funds for this federally-assisted project. Also, the Applicant gives assurance and certifies with respect to the grant that:

- (a) It possess legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- (b) It shall comply with the provisions of: Executive Order (E.O.) 11296, relating to evaluation of flood hazards and E.O. 11288 relating to the prevention, control, and abatement of water pollution.
- (c) It shall submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it shall not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) has (have) been met.
- (d) It shall provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications, that it shall furnish progress reports and such other information as the Federal grantor agency may require.
- (e) It shall operate and maintain the facility in accordance with the Minimum standards as may be required or prescribed by the applicable Federal, State and local agencies as to the maintenance and operation of such facilities.
- (f) It shall give the grantor agency and the Comptroller General through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant, for the entire time period beginning with project approval and ending three years after the final disbursement of the grant funds.
- (g) It shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703 and 13 CFR 309.14. The applicant shall be responsible for conducting inspections to insure compliance with these specifications by the contractor.
- (h) It shall cause on-site labor on the project to begin within 90 days after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence. It further understands that after approval of the project the Government can, at its option, cancel its obligation to provide funds for the project if the applicant is unable for any reason to cause on-site labor on the project to begin within the 90-day period.
- (i) Construction of the project has not started.
- (j) It assures that as a Recipient receiving Federal financial assistance from the Economic Development Administration, it shall comply with Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d etc. seq.) EO. 11246 as amended EO 11375; the requirements imposed by or pursuant to Regulations, issued for the Department of Commerce designated as 15 CFR Subtitle A, Part 8, Section 110, P.L. 94-369; and any amendments thereto.
- (k) It shall establish safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.



(l) It shall comply with the requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), 42 U.S. C. 4601 et seq., and 13 CFR Part 310, which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

(m) It shall comply with the provision of the Hatch Act which limit the political activity of employees.

(n) It shall comply with the Minimum wage and maximum hours provision of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

(o) It shall comply with provisions of the Davis-Bacon Act, as amended (40 U.S. C. 276a-276a-5). Such provisions include the payment of prevailing wage rates of the area as determined by the Secretary of Labor, to laborers, and mechanics employed by contractors and subcontractors for all construction undertaken in connection with this project.

(p) It agrees in the event this application is deemed approved by operation of law, pursuant to Section 107 of P.L. 94-369, it shall be bound by the Standard Terms and Conditions used in the Grant Agreements for the Local Public Works program and such other requirements as EDA may reasonably impose.

(q) In accord with these assurances and without limiting the above, it agrees that these assurance shall be binding upon them, their grantees, assignees, transferees, lessees, and successors in interest. These assurances shall also be binding through every modification or amendment to the project.

A motion was made by Reese Davis and seconded by Rae Gerstine that we accept the resolution to request a federal grant from EDA for \$95,000.

The motion was carried with 26 ayes and 11 nays.

The Civic Committee will check the details of the work with Mr. Chase and Thomas Colgan will sign all documents for the Town Assembly of the Village of Arden.

Motion 2 made Beverly Barnett and Seconded by Alton Dahl outlined the procedure the Civic Committee should check with the following guidelines:

- a. All sound methods to slow storm drainage be studied, considered and implemented if feasible, including storage pond, porous pavement, block pavement shoulder.
- b. Priority in use of funds to be given to Meadow Lane section especially replacing the galvanized pipe which is caving in.
- c. Second priority to installing Walnut Lane section in such a way that existing Lower Lane storm sewers will not be overloaded
- d. Third priority to expansion of existing Lower Lane storm sewer.

The Above motion passed with 29 ayes and one nay.

The meeting on motion adjourned.

Respectfully submitted,

*Mary Morley*

Mary Morley  
Secretary

# P E T I T I O N

We, the undersigned residents of the Village of Arden,  
ask that a special town assembly be called to consider authorizing  
the village to request a \$95,000 federal appropriation under the  
Public Works Act to build a storm drain on Walnut Lane, beginning  
at Inn Lane and proceeding across Millers Road, down Lower Lane, across  
Harvey Road, down Meadow Lane to the creek, and including the rebuilding  
of Meadow Lane.

- |                        |                              |
|------------------------|------------------------------|
| 1 Carl Liberman        | 15 Paul van Gulick           |
| 2 Carolyn Liberman     | 16 Terry Colgan Hafford      |
| 3 Jesse J. Allport     | 17 Deborah Colgan            |
| 4 Mary E. Bradford     | 18 <del>Clyde M. Davis</del> |
| 5 Mrs Betty A. Allport | 19 Edith C. Ware             |
| 6 Joan W. Colgan       | 20 <b>Thomas E. Colgan</b>   |
| 7 Cosette Morley       | 21 <b>Joan Colgan</b>        |
| 8 Cosette L. Morley    | 22 <b>Ethel Monfort</b>      |
| 9 Estella H. Frankel   | 23 <b>Nancy Hjar</b>         |
| 10 Joel Kazan          | 24 <b>Adam E. Trute</b>      |
| 11 J. W. Scott         | 25 Barbara S. Fenske         |
| 12 Alice Vanderer      | 26 Tim Snyder                |
| 13 Anna Neff           |                              |
| 14 E. Shur             |                              |